IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

TUESDAY, THE FOURTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE**

**and**
**THE HON'BLE MR JUSTICE C.V.RAMULU**

**WRIT APPEAL NO : 1345 of 2004**

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 10/08/2004 in WPMP No.17805 of 2004 in WP NO : 13869 OF 2004 on the file of the High Court.)

Between:

M/s Hotel Swaraj, Rep by its Proprietor Sri G. V. Krishnaiah,
R/o. 1-8-524/2 to 11, Chikkadpally, Hyderabad - 500 020

**..... APPELLANT**

AND

1. The Deputy Registrar of Coop. Societies/OSD The Vasavi Coop.

Urban Bank Ltd. TA No. 1186, Malakpet, Hyderabad - 500 036.

2 The Vasavi Coop. Urban Bank Ltd. TA No. 1186
Malakpet, Hyderabad. represented by its Managing Director

**.....RESPONDENTS**

**Counsel for the Appellant:MR.D.V.BHADRAM**

**Counsel for the Respondent No.1: GP FOR COOPERATION**

**Counsel for the Respondent No.2: Mr.Ashok Anand Kumar**

**The Court made the following :**

ORAL ORDER: (per the Hon'ble the Chief Justice)

Interim order of learned single Judge is under challenge in this appeal before us by the appellant on the ground that though writ petition has been admitted for hearing and question of law raised therein is also subject matter of a batch of writ petitions which have since been referred to a Full Bench in WP No.7017 of 2003 and batch, the effect of the interim order is that in case the appellant does not comply with the same, it will have to lose its property for which sale proceedings are pending.

By the impugned order, learned single Judge granted stay subject to the appellant depositing half of the amount demanded as per the impugned notice within a period of four weeks and further making it clear that the deposit will be subject to the final orders to be passed in the writ petition.

We have considered the submissions made at the Bar. We have also considered the offer for one time settlement, which at one stage was accepted by the respondent-Bank but withdrawn lateron. Normally, there should be no interference in such like discretionary orders passed by a learned single Judge by a Division Bench. But considering the facts and circumstances, we are of the view that equities can always be adjusted by modifying such order. Question raised by the appellant in writ petition is a substantial one, which has to be dealt with by a Full Bench.

Accordingly, we will dispose of the appeal by slightly modifying the impugned order and directing that in case appellant would deposit with the respondent-bank a sum of Rs.20 lakhs within a period of four weeks from today and another Rs.10 lakhs within a period of six weeks thereafter, operation of the notice impugned in the writ petition and all recovery proceedings shall remain stayed during the pendency of the writ petition. It is also made clear that payments to be made by the appellant will be without prejudice to the rights of the appellant to prosecute the writ petition on all available grounds. On failure of the appellant to deposit the amount as directed, it

will be open for the respondent-bank to continue prosecuting its remedy for recovery of the amount from the appellant in accordance with law.

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DEVINDER GUPTA, CJ

14-9-2004

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C.V.RAMULU, J

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To

1. The Deputy Registrar of Coop. Societies/OSD The Vasavi Coop.

Urban Bank Ltd. TA No. 1186, Malakpet, Hyderabad - 500 036.

2 The Managing Director, Vasavi Coop. Urban Bank Ltd. TA No.

1186, Malakpet, Hyderabad.

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